

Message Text

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PAGE 01 STATE 079066
ORIGIN DLOS-09

INFO OCT-01 IO-14 ISO-00 /024 R

66011

DRAFTED BY:D/LOS:ABERLIND

APPROVED BY:D/LOS:ABERLIND

-----010480 280959Z /10

R 280139Z MAR 78

FM SECSTATE WASHDC

INFO USMISSION GENEVA 0000

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FOR US DEL LOS

FOL LONDON 4763 SENT ACTION SECSTATE INFO ANKARA ATHENS BONN
BRUSSELS COPENHAGEN THE HAGUE LISBON LUXEMBOURG OSLO OTTAWA
PARIS REYKJAVIK ROME MADRID MAR 23, 7978 REPEATED TO YOU QUOTE

UNCLAS LONDON 04763

DEPARTMENT PASS USCG, NOAA, EPA

E.O. 11652: N/A

TAGS: EWWT, SENV, IMCO, UK, FR

SUBJECT: AMOCO CADIZ OIL SPILL AND IMCO

REF: (A) PARIS 9771; (B) PARIS 9822

1. THE GROUNDING (REPORTED REFTTEL A) OF THE U.S. OWNED,
LIBERIAN REGISTERED TANKER AMOCO CADIZ MARCH 16 ON THE
EVE OF THE FIRST OBSERVANCE OF WORLD MARITIME DAY BY
IMCO (THE INTER-GOVERNMENTAL MARITIME CONSULTATIVE OR-
GANIZATION, A UN SPECIALIZED AGENCY) AND ITS MEMBER
STATES HAS RAISED A HOST OF TECHNICAL AND LEGAL QUESTIONS
WHICH ARE LIKELY TO HAVE AN INFLUENCE ON THE JUNE IMCO
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CONFERENCE ON TRAINING AND CERTIFICATION OF SEAFARERS
AND MAY POSSIBLY CREATE NEW WORK WITHIN IMCO ON RULES OF
LAW RELATING TO ASSISTANCE AND SALVAGE AT SEA AND ON
POLLUTION LIABILITY. AN OFFICIAL IN THE UK DEPARTMENT
OF TRADE OPERATIONS CENTER FOR THE DISASTER ESTIMATED
THAT AS OF MARCH 22 ONLY ONE-QUARTER OF THE VESSELS TANKS,
HOLDING LESS THAN 60,000 OF ITS ORIGINAL CARGO OF

220,000 TONS OF CRUDE OIL, HAD NOT BEEN PUNCTURED. BECAUSE OF THE CONTINUING HIGH WINDS AND BAD WEATHER, HE DOUBTED THAT ANY OF THE OIL COULD BE PUMPED OUT BEFORE ALL THE TANKS HAD BROKEN OPEN.

2. LONDON NEWSPAPERS HAVE REPORTED CONSIDERABLE DISPUTE ABOUT HOW TO DEAL WITH THE OIL. THE FRENCH REPORTEDLY HAVE MADE SOME LIMITED USE OF CHEMICAL DISPERSANTS ON THE SOUTHERN TAIL OF THE SLICK AT THE ENTRANCE TO THE BREST CHANNEL, BUT THEY HAVE GENERALLY AVOIDED USE OF CHEMICAL DISPERSANTS FOR FEAR OF DAMAGING FISH AND SHELLFISH. THEY HAVE BEEN ATTEMPTING TO PROTECT OYSTER BEDS IN INLETS NORTH OF PORTSALL WITH INFLATABLE RUBBER BARRIERS ACROSS THE MOUTHS OF THE INLETS, BUT OIL IS SEEPING UNDER THEM AND THE BEDS ARE EXPECTED TO BE POLLUTED TO SOME EXTENT. THE FRENCH HAVE REPORTEDLY CHOSEN TO WAIT UNTIL THE OIL POLLUTION HAS REACHED ITS MAXIMUM LIMITS BEFORE UNDERTAKING A MASSIVE FINAL CLEANUP. THE BRITISH ARE USING CHEMICAL DISPERSANTS ON THE NORTHERN AND NORTHWEST EDGES OF THE SLICK WHERE ANY TAR RESIDUES WILL SINK INTO DEEP WATER. THEY ARE HOLDING SHIPS AND STOCKS OF DISPERSANTS IN PLYMOUTH AND OTHER CHANNEL PORTS AND IN THE CHANNEL ISLANDS IN THE EVENT A SHIFT OF WIND AND WEATHER STARTS TO MOVE THE SLICK TOWARDS THE SOUTH COAST OR THE CHANNEL ISLANDS. ESTIMATES ARE THAT UP TO TWO-FIFTHS OF THE OIL IS UNCLASSIFIED

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EVAPORATING AND THE ATMOSPHERE OF THE COUNTRYSIDE AROUND PORTSALL IS SUFFERING FROM HYDROCARBON GAS AIR POLLUTION. A TECHNICAL EXPERT FROM THE INTERNATIONAL TANKER OWNERS' POLLUTION FEDERATION, CAPT. MICHAEL GARRETT, WHO IS ON THE SCENE, IS REPORTED AS PREDICTING THAT THE SEA ITSELF WILL TAKE CARE OF THE OIL IN A VERY SHORT TIME AND THAT BY JUNE BRITTANY'S BEACHES AND ROCKS WILL BE QUITE CLEAN. HE IS QUOTED AS SAYING, "THE BEST THING WOULD BE TO LEAVE IT TO GOD."

3. WHY THE AMOCO CADIZ GOT INTO TROUBLE AND THEN WAS ALLOWED TO GO AGROUND IS STILL NOT ENTIRELY CLEAR FROM THE NEWSPAPERS AND PROBABLY WILL NOT BE UNTIL THE FRENCH HOLD THEIR INQUIRY AND THE "FULL-SCALE FORMAL INQUIRY" TO BE ORDERED BY THE COMMISSION FOR MARITIME AFFAIRS FOR LIBERIA HAS BEEN COMPLETED--IT HAS BEGUN A PRELIMINARY INVESTIGATION IN ROTTERDAM. ALTHOUGH A STEERING GEAR FAILURE STARTED THE CHAIN OF EVENTS WHICH LED TO THE DISASTER, MR. HARRY RINKEMA, AN AMOCO VICE-PRESIDENT, IS REPORTED AS STATING THAT THE STEERING GEAR ON THE SHIP ALREADY MET THE NEW STANDARDS ESTABLISHED BY THE FEBRUARY 1978 IMCO TANKER SAFETY AND POLLUTION PRE-

VENTION CONFERENCE, THAT IT WAS EQUIPPED WITH TWIN MOTORS AND TWIN PUMPS, BUT HAD ONLY A SINGLE HYDRAULIC SYSTEM AND THAT WAS WHAT FAILED. SUCH A SYSTEM WOULD NOT APPEAR TO HAVE MET THE NEW IMCO REQUIREMENTS. THE TUG PACIFIC REPORTEDLY ARRIVED ALONGSIDE THE TANKER AT 1220 AND HAD A LINE ABOARD AT 1315. THE LINE IS SAID TO HAVE BROKEN AT 1615. LONDON NEWSPAPERS ARE QUESTIONING WHAT THE TUG WAS DOING DURING THE THREE-HOUR INTERVAL. ONE PAPER CLAIMS THAT THE TUG SIMPLY LAY ALONGSIDE AND DID NOTHING. THE SPECULATION, SUPPORTED BY SOME CRYPTIC REMARKS OF MR. RINKEMA OF AMOCO, WAS THAT THE TUG AND TANKER CAPTAINS WERE HAGGLING OVER THE TERMS OF A CONTRACT FOR THE TUG'S SERVICES. ANOTHER PAPER ASSERTS THAT THE TANKER CAPTAIN SHOULD HAVE

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ORDERED OUT THREE TUGS. THE IMPLICATION HAS BEEN MADE THAT AMOCO WAS PENNY-WISE AND POUND-FOOLISH.

4. CONSIDERABLE ATTENTION HAS BEEN GIVEN IN THE NEWS-PAPERS AND IN THE PARLIAMENT AND THE HOUSE OF LORDS TO QUESTIONS OF INSURANCE COVER AND LIABILITY. THE U.K. GOVERNMENT, ALTHOUGH THE U.K. HAS NOT BEEN DIRECTLY AFFECTED, HAS GONE TO CONSIDERABLE EXPENSE IN PREPOSITIONING SUPPLIES OF CHEMICAL DISPERSANTS AND FOR ALMOST A WEEK HAS HAD TEN SHIPS INVOLVED OR ON STANDBY TO DEAL WITH THE OIL SLICK. AMOCO CLAIM THAT THEY HAVE ALMOST 20 MILLION POUNDS TO PAY FOR CLEANUP AND INDEMNIFICATION. HOWEVER, THERE IS CONSIDERABLE FUZZINESS, EVEN AMONG U.K. GOVERNMENT OFFICIALS, ABOUT WHAT CLAIMS THE INSURERS WILL HONOR. THE POLLUTION INSURANCE OF TANKERS IS OPERATED THROUGH THE INTERNATIONAL TANKER OWNERS POLLUTION FEDERATION (ITOPF) ON THE BASIS OF TWO SCHEMES. TOVALOP (TANKER OWNERS' VOLUNTARY AGREEMENT CONCERNING THE LIMITATION OF POLLUTION) SET THE AMOUNT PAYABLE AT \$100 PER GROSS TON WITH A MAXIMUM PAYABLE OF \$10 MILLION. THIS WAS LATER SUPPLEMENTED BY AN OIL COMPANIES' ARRANGEMENT WHICH IN COMBINATION WITH TOVALOP RAISED THE MAXIMUM PAYABLE TO \$30 MILLION, CRISTAL (CONTRACT REGARDING INTERIM SUPPLEMENT TO TANKER LIABILITY FOR OIL POLLUTION). TANKER OWNERS MET MARCH 20 IN THE WAKE OF THE AMOCO CADIZ SPILL TO CONSIDER RAISING TOVALOP'S MAXIMUM TO \$16.8 MILLION IN LINE WITH THE PRESENT VALUE OF THE MAXIMUM UNDER THE IMCO 1969 CIVIL LIABILITY FOR OIL POLLUTION CONVENTION AND THIS REPORTEDLY WAS APPROVED. CRISTAL ITSELF COULD BE INSTITUTIONALIZED IF THE IMCO 1971 FUND CONVENTION FOR COMPENSATION FOR OIL POLLUTION DAMAGE WERE RATIFIED BY SUFFICIENT GOVERNMENTS TO COME

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INTO FORCE. IMCO MEMBER STATES WILL BE WATCHING HOW EFFECTIVELY COMPENSATION IS DISTRIBUTED IN THE AMOCO CADIZ CASE AND WHETHER THE TOTAL LIABILITY COVERAGE IS SUFFICIENTLY HIGH.

5. AS WOULD HAVE BEEN EXPECTED, THE ITF (INTERNATIONAL TRANSPORT WORKERS FEDERATION) AND THE U.K. NATIONAL UNION OF SEAMEN HAVE FOCUSED COMMENT ON THE FACT THAT THIS IS A LIBERIAN FLAG OF CONVENIENCE TANKER AND HAVE QUESTIONED THE COMPETENCE OF THE CREW. HOWEVER THE LONDON TIMES IN ITS EDITORIAL OF MARCH 20 ALSO FOCUSES ON THE CREW PROBLEM AND CONCLUDES "IT IS ALREADY APPARENT THAT THE HUMAN ELEMENT PLAYED A CONSIDERABLE PART, NOT LEAST IN THE CONSIDERABLE TIME-WASTING WHICH SEEMS TO HAVE OCCURRED AT VARIOUS STAGES. THE IMCO CONFERENCE ON TANKER CREWS THEREFORE ASSUMES GREAT IMPORTANCE."

6. IN PARLIAMENT, BOTH A LABOR AND A CONSERVATIVE MP CRITICIZED VESSELS OF THE TONNAGE OF THE AMOCO CADIZ HAVING ONLY A SINGLE SCREW AND SUGGESTED SETTING A TARGET DATE FOR BANNING SUCH VESSELS FROM EEC WATERS. THERE HAVE ALSO BEEN SUGGESTIONS, AS IN REFTEL B, THAT LARGE CRUDE TANKERS SHOULD FOLLOW PRESCRIBED SEA LANES WELL OFF DANGEROUS SHOAL WATERS. RIGAS DOGANIS, DIRECTOR OF THE TRANSPORT STUDIES GROUP OF THE LONDON POLYTECHNIC AND THE SENIOR AUTHOR OF A 1976 REPORT ON FLAGS OF CONVENIENCE, QUESTIONED WHY SHIPPING SHOULD NOT BE CONTROLLED AS TIGHTLY AS AIRLINE TRAFFIC INCLUDING STRONG SANCTIONS AGAINST CAPTAINS WHOSE SHIPS VIOLATE THE RULES.

7. THE MOST CRITICAL ATTENTION, HOWEVER, HAS BEEN GIVEN TO THE APPARENT HAGGLING OVER THE TUG CONTRACT TERMS. NEWSPAPERS AND PRIVATE COMMENTS BY IMCO AND U.K. GOVERNMENT OFFICIALS MAKE THE POINT THAT IT IS OUTRAGEOUS THAT SUCH AN ARGUMENT SHOULD HAVE BEEN ALLOWED

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TO PUT AT RISK THE LIVELIHOOD AND WAY OF LIFE OF THE PEOPLE ON THE BRITTANY COAST. THE ISSUE OF RULES FOR ASSISTANCE AND SALVAGE AT SEA MAY BE INTRODUCED INTO THE IMCO. IN THIS CONNECTION, THE EMBASSY NOTES THE EXISTENCE OF THE CONVENTION FOR THE UNIFICATION OF CERTAIN RULES OF LAW RELATING TO ASSISTANCE AND SALVAGE AT SEA SIGNED AT BRUSSELS ON 23 SEPTEMBER 1910.

8. EMBASSY IS POUCHING COPIES OF NEWSPAPER CLIPPING
ON THE AMOCO CADIZ SPILL TO IO/TRC, EB/MA, AND THE
USCG. STREATOR UNQUOTE VANCE

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NNN

Message Attributes

Automatic Decaptioning: X
Capture Date: 01 jan 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: OIL SPILLS, INVESTIGATIONS
Control Number: n/a
Copy: SINGLE
Draft Date: 28 mar 1978
Decaption Date: 01 jan 1960
Decaption Note:
Disposition Action: n/a
Disposition Approved on Date:
Disposition Case Number: n/a
Disposition Comment:
Disposition Date: 01 jan 1960
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1978STATE079066
Document Source: CORE
Document Unique ID: 00
Drafter: D/LOS:ABERLIND
Enclosure: n/a
Executive Order: N/A
Errors: N/A
Expiration:
Film Number: D780134-0224
Format: TEL
From: STATE
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1978/newtext/t19780318/aaaaaoqi.tel
Line Count: 228
Litigation Code IDs:
Litigation Codes:
Litigation History:
Locator: TEXT ON-LINE, ON MICROFILM
Message ID: ac3bfebb-c288-dd11-92da-001cc4696bcc
Office: ORIGIN DLOS
Original Classification: UNCLASSIFIED
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 5
Previous Channel Indicators: n/a
Previous Classification: n/a
Previous Handling Restrictions: n/a
Reference: 78 PARIS 9771, 78 PARIS 9822
Retention: 0
Review Action: RELEASED, APPROVED
Review Content Flags:
Review Date: 29 mar 2005
Review Event:
Review Exemptions: n/a
Review Media Identifier:
Review Release Date: N/A
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
SAS ID: 3181001
Secure: OPEN
Status: NATIVE
Subject: AMOCO CADIZ OIL SPILL AND IMCO
TAGS: EWWT, SENV, UK, FR, IMCO, AMOCO
To: GENEVA
Type: TE
vdkgvwkey: odb://SAS/SAS.dbo.SAS_Docs/ac3bfebb-c288-dd11-92da-001cc4696bcc
Review Markings:
Sheryl P. Walter
Declassified/Released
US Department of State
EO Systematic Review
20 Mar 2014
Markings: Sheryl P. Walter Declassified/Released US Department of State EO Systematic Review 20 Mar 2014